

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cv-00090-FDW-DSC

CLAYTON BERGQUAM,)
)
Plaintiff,)
)
vs.)
)
IQor US Inc.,)
)
Defendant.)
)

ORDER

THIS MATTER is before the Court on Defendant's Partial Motion to Dismiss Plaintiff's Complaint. (Doc. No. 6). For the reasons stated herein, this Motion is DENIED AS MOOT.

Defendant moves to dismiss Plaintiff's Original Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. (Doc. No. 6). However, because Defendant's Partial Motion to Dismiss was filed prior to Plaintiff's filing of an Amended Complaint, Defendant's Motion is moot. It is well settled that a timely-filed amended pleading supersedes the original pleading, and motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) ("[t]he general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect"); Colin v. Marconi Commerce Systems Employees' Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (defendants' earlier motion to dismiss was rendered moot by the filing of plaintiff's second amended complaint); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint); see also Brown v. Sikora and Associates, Inc., 2008 WL 1751934, *3 (4th Cir. 2008); Atlantic Skanska, Inc., 2007 WL 3224985, *4 (W.D.N.C. 2007); Hi-Tech, Inc.

v. Rising, 2006 WL 1966663, *3 (W.D.N.C. July 11, 2006). Therefore, Defendant's Partial Motion to Dismiss Plaintiff's Complaint is DENIED AS MOOT without prejudice to re-file a motion to dismiss in response to Plaintiff's Amended Complaint.

IT IS SO ORDERED.

Signed: May 6, 2015



Frank D. Whitney
Chief United States District Judge

